

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of ASHLEY PARR, GERALD
PARR, JR., and AARON LONGENECKER,
Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

DONNA PARR,

Respondent-Appellant,

and

GERALD PARR,

Respondent.

UNPUBLISHED

February 3, 2005

No. 255052

Kalamazoo Circuit Court

Family Division

LC No. 03-000070-NA

Before: Zahra, P.J., and Neff and Cooper, JJ.

PER CURIAM.

Respondent-appellant appeals as of right from the trial court order terminating her parental rights to the minor children pursuant to MCL 712A.19b(3)(b)(i), (b)(ii), and (j). We affirm.

The trial court did not clearly err in determining that the statutory grounds had been established by clear and convincing evidence. *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000); *In re McIntyre*, 192 Mich App 47, 50; 480 NW2d 293 (1993). This case commenced after it was discovered that two of the minor children were frequently locked in the basement in deplorable conditions. The minor children, then aged fourteen, twelve and ten, were taken into temporary care and a petition was filed to immediately terminate the parental rights of respondents. All three minor children testified that the two boys were frequently locked in the basement and about the conditions in the basement, which included flooding, broken or inappropriate beds, no bedding other than a blanket, very little light or heat, no running water or toilets, urine and feces scattered throughout the room, garbage and clothing strewn all over, and an infestation of bats. Ashley testified of their cries to leave the basement and the fact that she was often responsible for locking them in. Respondents testified to locking Aaron and Gerald,

Jr. in the basement but stated that they were unaware of the basement's condition. The Child Protective Services worker, Nicole Erickson, and Officer Jeffrey Vanderark testified regarding the condition of the basement when they found Aaron locked there on March 6, 2003, and pictures were entered into evidence that were consistent with the testimony.

In addition, the minor children all testified with respect to punishment that was imposed on them by respondents that included being hit with respondents' hands, belts, a toy golf club, and a board. They also testified that they were only able to bathe once a week and that Aaron and Gerald, Jr. were teased at school because their clothes were too small, they were dirty, and they smelled. Further testimony established that sexual abuse had occurred between Aaron and his younger siblings. Both Ashley and Gerald, Jr. spoke of inappropriate touching and other inappropriate actions of Aaron.

The evidence was also clear and convincing that there is a reasonable likelihood that the minor children would suffer injury or abuse in the future if returned to their parents' home. Experts testified to the harm done to the minor children and the fact that the only way the minor children would be able to recover was by severing their relationship with their parents and giving them the opportunity to heal. The experts all stated that returning the minor children to their parents' care would cause additional harm that could be extremely detrimental to their ability to heal. Accordingly, there is no question that the court did not err when it found clear and convincing evidence to make a determination that MCL 712A.19(b)(i), (b)(ii) and (j) were met.

Furthermore, the evidence failed to show that termination of respondent-appellant's parental rights was not in the best interests of the minor children. MCL 712A.19b(5). While the minor children did express a desire to go back home, and there appeared to be some type of bond between the minor children and respondent-appellant, the experts who testified stated very clearly that such a bond is common in children who have suffered abuse or neglect and that it is not a healthy bond. The expert testimony was unanimous that the minor children had the best opportunity to heal if the parental rights of respondents were terminated and the children had closure and could attempt to move on and heal with the help of professionals. Accordingly the trial court properly determined that termination of respondent-appellant's parental rights was not against the best interests of the minor children.

Affirmed.

/s/ Brian K. Zahra
/s/ Janet T. Neff
/s/ Jessica R. Cooper